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| KLARQUIST SPARKMAN LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204 | | | NAHAR, QAMRUN | |
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DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,239

Applicant(s)

BHANSALI ET AL.

Examiner

Qamrun Nahar

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is in response to the amendment filed on 12/20/04.
2. The objections to the specification are withdrawn in view of applicant's amendment.
3. The objections to claims 8, 13, 24, 31 and 32 are withdrawn in view of applicant's amendment.
4. The rejection under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention to claims 1-27, 31-33 and 35-38 is withdrawn in view of applicant's amendment.
5. The rejection under 35 U.S.C. 102(e) as being anticipated by Lindholm (U.S. 6,618,855) to claims 15, 17, 26 and 29 is moot in view of new ground(s) of rejection.
6. The rejection under 35 U.S.C. 103(a) as being unpatentable over DeLong (U.S. 6,247,169) to claim 18 is moot in view of new ground(s) of rejection.
7. Claims 1, 8, 13, 15, 17, 21-27, 29 and 31-32 have been amended.
8. Claims 1-38 are pending.
9. Claims 1-14, 19-22, 25, 27-28 and 30-38 stand finally rejected under 35 U.S.C. 102(e) as being anticipated by DeLong (U.S. 6,247,169).
10. Claim 18 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over DeLong (U.S. 6,247,169) in view of Lethin (U.S. 6,463,582).
11. Claims 15-17, 26 and 29 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over Lindholm (U.S. 6,618,855) in view of DeLong (U.S. 6,247,169).

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12. Claims 23 and 24 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over DeLong (U.S. 6,247,169) in view of Lindholm (U.S. 6,618,855).

Response to Amendment

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1-14, 19-22, 25, 27-28 and 30-38 are rejected under 35 U.S.C. 102(e) as being anticipated by DeLong (U.S. 6,247,169).

Per Claim 1 (Amended):

The DeLong patent discloses:

- a method of translating computer program code from a first language representation into a second language representation, the method comprising: translating translatable instructions of an input stream in a first language representation into an output stream in a second language representation
("According to the present invention, an embedded exception handling software construct encapsulates at least a single selected software code region in a software program.

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Encapsulation of the selected code region ensures structured exception handling within the execution scope of the encapsulated software. According to one embodiment of the present invention, the range of the structured exception handling extends beyond the lexical scope of the encapsulated code and includes its run-time dynamic scope.” in column 1, lines 60-67 to column 2, lines 1-2)

- identifying an unresolvable translation error in the input stream; and placing at least one second language representation instruction in the output stream responsive to identifying the unresolvable translation error in the input stream; wherein the placed at least one second language representation instruction is at least one of either a handling instruction or an exception throwing instruction (“Exception construct 20 is an embedded-code-enclosing wrapper enveloping the lexical scope 21 of selected software code to be protected. In particular, exception construct 20 is placed around a selected section of software code within which an applicable exception may be raised. The wrapper of exception construction 20 includes an opening expression, “ON_EXCEPTION (e,handler) {“and a closing expression”}EX_END”. The opening expression of exception construct 20 is inserted at the beginning of the lexical code scope 21 of the selected software. The closing expression of exception construct 20 is inserted at the end of the lexical code scope 21 of the selected software.” in column 4, lines 16-36; an unresolvable translation error in the input stream is identified as the location where an exception may be raised; Exception construct 20 is placed around the location where an exception may be raised because there is an unresolvable translation error in the input stream).

Per Claim 2:

The DeLong patent discloses:

- wherein said placing comprises placing the at least one second language representation instruction in a location in the output stream where the unresolvable translation error in the input stream would have been placed in the output stream had the unresolvable translation error been a translatable instruction (column 4, lines 25-36).

Per Claim 3:

The DeLong patent discloses:

- wherein said placing comprises placing the at least one second language representation instruction in a location in the output stream where a method containing the unresolvable translation error in the input stream would have been placed in the output stream had the entire method been translatable (column 2, lines 62-67 to column 3, lines 1-48).

Per Claim 4:

The DeLong patent discloses:

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- wherein said placing comprises placing the at least one second language representation instruction in a location in the output stream where a basic block containing the unresolvable translation error in the input stream would have been placed in the output stream had the entire basic block been translatable (column 2, lines 62-67 to column 3, lines 1-48).

Per Claim 5:

The DeLong patent discloses:

- executing at least one translated instruction and at least one placed second language representation instruction (column 4, lines 66-67 to column 5, lines 1-25).

Per Claim 6:

The DeLong patent discloses:

- wherein said placing further comprises: directing the placement of the at least one second language representation instruction within the output stream based on a declarative textual indication contained in the input stream (“macros”, column 4, lines 25-36).

Per Claim 7:

The DeLong patent discloses:

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- wherein said placing comprises placing both: at least one exception throwing instruction; and at least one handling instruction (column 4, lines 16-36).

Per Claim 8 (Amended):

The DeLong patent discloses:

- executing the placed handling instruction subsequent to executing the placed exception throwing instruction (column 4, lines 66-67 to column 5, lines 1-25).

Per Claim 9:

The DeLong patent discloses:

- wherein the declarative textual indication designates that the at least one second language representation instruction replace an unresolvable translation error (column 4, lines 16-36).

Per Claim 10:

The DeLong patent discloses:

- wherein the declarative textual indication designates that the at least one second language representation instruction replace a basic block containing an unresolvable translation error (column 4, lines 16-36).

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Per Claim 11:

The DeLong patent discloses:

- wherein the declarative textual indication designates that the at least one second language representation instruction replace a method containing an unresolvable translation error (column 4, lines 16-36).

Per Claim 12:

The DeLong patent discloses:

- determining from a declarative textual indication in the input stream which at least one second language representation instruction to place in the output stream (column 4, lines 16-36).

Per Claim 13 (Amended):

The DeLong patent discloses:

- obtaining from a library of available at least one second language representation instruction, the at least one second language representation instruction placed in the output stream (column 7, lines 14-34).

Per Claim 14:

The DeLong patent discloses:

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- wherein the at least one of either a handling instruction or an exception throwing instruction, is an application programming interface instruction to a dynamically linkable library (column 7, lines 14-34).

Per Claim 19:

The DeLong patent discloses:

- determining a level to place the at least one second language representation instruction; wherein the determination of level to place the at least one second language representation instruction is made from among a set of available levels, the set of available levels including at least two distinct levels from a group of potential levels, the group of potential levels comprising a method level, an instruction level, a basic block level, and a program level (column 2, lines 62-67 to column 3, lines 1-48).

Per Claim 20:

The DeLong patent discloses:

- wherein a declarative textual indication indicates the level to place the at least one second language representation instruction (column 4, lines 25-36).

Per Claim 21 (Amended):

The DeLong patent discloses:

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- a method of translating computer program code from an input stream in a first language representation into an output stream in a second language representation, the input stream comprising declarative textual indications, the method comprising: translating translatable instructions in the input stream into the output stream

(column 1, lines 60-67 to column 2, lines 1-2; and “macros”, column 4, lines 25-36)

- identifying a first language representation of a declarative textual indication in the input stream, the declarative textual indication indicating how to handle an unresolvable translation error encountered in the input stream; and translating the first language representation of the declarative textual indication in the input stream into the second language representation of the declarative textual indications in the output stream; whereby the second language representations of the declarative textual indications are available to a next phase of translation, the next phase of translation able to use the second language representation of the declarative textual indication as a resource for determining how to handle an unresolvable translation error encountered by the next phase of translation as the next phase translates the output stream into a third language representation (column 4, lines 16-36).

Per Claim 22 (Amended):

The DeLong patent discloses:

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- a method of translating the output stream of claim 21 into a third language output stream, the method comprising: translating translatable instructions of the output stream into the third language output stream; identifying an unresolvable translation error in the output stream; determining an indicated third language representation instruction from a declarative textual indication in the output stream; and placing the indicated third language representation instruction in the third language output stream responsive to identifying the unresolvable translation error in the output stream (column 4, lines 16-36).

Per Claims 25 and 31 (Amended):

These are computer readable medium versions of the claimed method discussed above (claims 1 and 6, respectively), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by DeLong.

Per Claims 27 and 32 (Amended):

These are computer readable medium versions of the claimed method discussed above (claims 1 and 6, respectively), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by DeLong.

Per Claim 28:

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This is a system version of the claimed method discussed above, claim 1, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above, including “a user input device, a first language input stream, an operating system, a translation system operating under control of the operating system” and “translating ... subsequent to a user input on the user input device” (column 3, lines 49-67 to column 4, lines 1-8). Thus, accordingly, this claim is also anticipated by DeLong.

Per Claim 30:

This is a system version of the claimed method discussed above (claims 1 and 7), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above, including “a user input device, a first language input stream, an operating system, a translation system operating under control of the operating system” and “translating ... subsequent to a user input on the user input device” (column 3, lines 49-67 to column 4, lines 1-8). Thus, accordingly, this claim is also anticipated by DeLong.

Per Claim 33:

The DeLong patent discloses:

- a computer readable medium comprising translated code produced by claim 1
(column 3, lines 49-55).

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Per Claim 34:

This is an another version of the claimed method discussed above, claim 1, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by DeLong.

Per Claim 35:

The DeLong patent discloses:

- further comprising: placing in the output stream an unaltered copy of the identified unresolvable translation error (column 2, lines 62-67 to column 3, lines 1-48).

Per Claim 36:

The DeLong patent discloses:

- a method of executing the output stream of claim 35, the method comprising: executing the placed one second language representation instruction, said executing invoking a translator on the unaltered copy of the identified unresolvable translation error from the output stream, thereby causing the invoked translator to attempt to translate the unaltered copy of the unresolvable translation error into a second language representation instruction, and if the unaltered copy of the identified unresolvable translation error is translatable into a second language

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representation instruction, then the second language representation instruction is executed (column 4, lines 66-67 to column 5, lines 1-25).

Per Claim 37:

The DeLong patent discloses:

- wherein said placing comprises placing the at least one second language representation instruction in a new basic block in the output stream (column 4, lines 16-36).

Per Claim 38:

The DeLong patent discloses:

- wherein the declarative textual indication designates that the at least one second language representation instruction should be inserted in a new basic block (column 4, lines 16-36).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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16. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLong (U.S. 6,247,169) in view of Lethin (U.S. 6,463,582).

Per Claim 18:

The rejection of claim 5 is incorporated, and DeLong further teaches wherein the presently executing instruction is the at least one placed second language representation instruction (column 4, lines 66-67 to column 5, lines 1-25). DeLong does not explicitly teach that requesting by the presently executing at least one placed second language representation instruction, the request being made to a server for instructions external to the output stream. Lethin teaches that it was a common practice to request for instructions from a server at the time the instant invention was made (column 49, lines 56-58).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by DeLong to include that requesting by the presently executing at least one placed second language representation instruction, the request being made to a server for instructions external to the output stream using the teaching of Lethin. The modification would be obvious because one of ordinary skill in the art would be motivated to share instructions among multiple users.

17. Claims 15-17, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindholm (U.S. 6,618,855) in view of DeLong (U.S. 6,247,169).

Per Claim 15 (Amended):

Lindholm teaches a method of translating computer program code from an input stream in a first language representation into an output stream in a second language representation, and the input stream may or may not be from a trusted source, the method comprising: translating translatable instructions of the input stream into the output stream (column 6, lines 57-65); identifying suspected code in the input stream; determining that the input stream is from a trusted source; and translating the suspected code in the input stream into the output stream (column 20, lines 11-42). Lindholm does not explicitly teach identifying unresolvable translation errors in the input stream or placing at least one second language representation instruction in the output stream responsive to identifying the unresolvable translation error in the input stream. DeLong teaches identifying unresolvable translation errors in the input stream; and placing at least one second language representation instruction in the output stream responsive to identifying the unresolvable translation error in the input stream (column 4, lines 16-36).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Lindholm to include identifying unresolvable translation errors in the input stream; and placing at least one second language representation instruction in the output stream responsive to identifying the unresolvable translation error in the input stream using the teaching of DeLong. The modification would be obvious because one of ordinary skill in the art would be motivated to simplify exception handling by reducing code-writing workloads for software programmers (DeLong, column 1, lines 46-58).

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Per Claim 16:

The rejection of claim 15 is incorporated, and DeLong further teaches wherein a declarative textual indication in the input stream is used to determine whether the input stream is from a trusted source (column 4, lines 25-36).

Per Claim 17 (Amended):

The rejection of claim 15 is incorporated, and Lindholm further teaches wherein the determining further comprises: making a request to a server; and determining from a server response whether the input stream is from a trusted source (column 20, lines 11-42).

Per Claim 26 (Amended):

This is a computer readable medium version of the claimed method discussed above, claim 15, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Per Claim 29 (Amended):

This is a system version of the claimed method discussed above, claim 15, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above, including “a user input device, a first language input stream, an operating system, a translation system operating under control of the operating system” and “translating ... subsequent to a user input on the user input device” (Lindholm, column 9, lines 17-54). Thus, accordingly, this claim is also obvious.

18. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLong (U.S. 6,247,169) in view of Lindholm (U.S. 6,618,855).

Per Claim 23 (Amended):

The rejection of claim 21 is incorporated, and Delong further teaches a method of translating the output stream of claim 21 into a third language output stream, the method comprising: translating translatable instructions of the output stream into the third language output stream and determining from the declarative textual indication in the output stream whether the output stream is from a trusted source (column 4, lines 16-36). Delong does not explicitly teach identifying a suspected code in the output stream; and translating the suspect code into the third language output stream in response to determining that the output stream is from the trusted source. Lindholm teaches identifying a suspected code in the output stream; and translating the suspect code into the third language output stream in response to determining that the output stream is from the trusted source (column 20, lines 11-42).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Delong to include identifying a suspected code in the output stream; and translating the suspect code into the third language output stream in response to determining that the output stream is from the trusted source using the teaching of Lindholm. The modification would be obvious because one of ordinary skill in the art would be motivated to pre-verify modules before runtime (Lindholm, column 6, lines 23-36).

Per Claim 24 (Amended):

This is another version of the claimed method discussed above (claims 22 and 23), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above, including “invoking a method level exception throwing instruction ...” and “invoking a basic block level exception throwing instruction ...” (DeLong, column 2, lines 62-67 to column 3, lines 1-48). Thus, accordingly, this claim is also obvious.

Response to Arguments

19. Applicant's arguments filed on 12/20/04 have been fully considered but they are not persuasive.

In the remarks, the applicant argues that:

a) The Office has asserted a novelty rejection of claims 1-14, 19-22, 25, 27-28, and 30-38, under 35 U.S.C. j 102(e) over U.S. Patent No. 6,247,169 (“DeLong”).

Additionally, a novelty rejection has been asserted against claims 15, 17, 26 and 29 over U.S. Patent No. 6,618,855 (“Lindholm”). Respectfully, Applicants traverse these rejections.

Claim 1

Applicants respectfully submit that the Office has failed to establish anticipation, because DeLong fails to teach or suggest “placing at least one second language representation instruction in the output stream responsive to identifying the unresolvable translation error in the input stream.” Specifically, claim 1, with emphasis, recites,

1. (currently amended) A method of translating ...

Applicants respectfully submit that DeLong fails to teach or suggest "placing at least one second language representation instruction in the output stream responsive to identifying the unresolvable translation error in the input stream." For example, DeLong fails to teach anything about "unresolvable translation errors in the input stream." As stated in the present Application, unresolvable translation errors occurs, for example, during syntax translation, semantic translation, lexical translation, logical translation, code verification translation, or type check translation. See e.g., pages 10-12. When a translator encounters such unresolvable code in the input stream, the translator is unable to translate the unresolvable code. See e.g., page 12, lines 23-24; page 19, lines 1-9. Applicants respectfully submit that the art of record in the present application fails to teach or suggest anything about an "unresolvable translation error in the input stream."

*Exception handling for protected code that has already been
translated teaches away from the recited arrangement*

Without first showing such "an unresolvable translation error in the input stream" it is impossible to show "placing at least one second language representation instruction in the output stream" responsive thereto. As stated in the present Application, at page 5, lines 14-16,

Unresolvable instructions are not translated ...

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For example, DeLong merely discusses a method for encapsulating a protected region of code within an exception construct. See e.g., DeLong, the Abstract. This is evident in that DeLong discusses that the protected region of code can be "run" by the processor. See e.g., DeLong, col. 3, line 30. But nowhere does DeLong teach or suggest anything about an "unresolvable translation error in the input stream."

DeLong is merely a description of prior art method for exception handling for "protected code" that has already been translated. Thus, DeLong is describing language constructs that are requesting exception handling for certain behavior that occurs in already translated "protected code." Thus, DeLong assumes the "protected code" is already translated (e.g., compiled) and can now be run.

For example, DeLong assumes that the protected code is already translated into an executable form (col. 5, line 5) and an exception might not be raised at all during execution of the protected region (col. 5, lines 7-8). Thus, the protected region is assumed to be already translated into an executable form. Thus, DeLong teaches squarely away from "unresolvable translation error in the input stream."

For at least this reason claim 1 is allowable. Such action is respectfully requested.

Claims 2-14, 19, 20, 33, and 35-38

Claims 2-14, 19, 20, 33 and 35-38 depend from claim 1. Since they depend from claim 1, they should be allowed for at least the reasons stated for claim 1. In view of the foregoing discussion of claim 1, the merits of the separate patentability of dependent claims 2-14, 19, 20, 33 and 35-38 are not belabored at this time. Claims 2-14, 19, 20, 33 and 35-38 should be allowable. Such action is respectfully requested.

Examiner's response:

a) Examiner strongly disagrees with applicant's assertion that DeLong fails to disclose the claimed limitations recited in claims 1-14, 19-22, 25, 27-28 and 30-38. DeLong clearly shows each and every limitation in claims 1-14, 19-22, 25, 27-28 and 30-38.

As pointed out in the previous Office Action (Mailed on 09/22/2004), DeLong teaches identifying **an unresolvable translation error in the input stream**; and placing at least one second language representation instruction in the output stream responsive to identifying the unresolvable translation error in the input stream; wherein the placed at least one second language representation instruction is at least one of either a handling instruction or an exception throwing instruction (column 4, lines 16-36; **an unresolvable translation error in the input stream** is identified as the location where an exception may be raised; Exception construct 20 is placed around the location where an exception may be raised because there is **an unresolvable translation error in the input stream**).

Furthermore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "When a translator encounters such unresolvable code in the input stream, the translator is unable to translate the unresolvable code" or "already been translated") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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In addition, see the rejection above in paragraph 14 for rejection to claims 1-14, 19-22, 25, 27-28 and 30-38.

In the remarks, the applicant argues that:

b) ***Independent Claims 21, 25, 27, 28, 30, 34***

Applicants respectfully submit that for reasons similar to those stated above, such as for claim 1, DeLong fails to teach or suggest the following features:

Claim 21- "identifying a first language representation of a declarative textual indication in the input stream, the declarative textual indication indicating how to handle an unresolvable translation error encountered in the input stream"

Claim 25 –"instruction(s) placing an exception throwing instruction in the second language output stream in response to identifying the unresolvable translation error in the first language input stream"

Claim 27 – "instruction(s) placing a handling instruction in the second language output stream in response to identifying the unresolvable translation error in the first language input stream"

Claim 28 ...

Claim 30 ...

Claim 34 ...

Since DeLong fails to teach or suggest these features of independent claims 21, 25, 27, 28, 30 and 34 they should be allowable. Such action is respectfully requested.

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Dependent Claims 22, 23, 31, and 32

Claims 22, 23, 31, and 32 depend from the above allowable independent claims. Since claims 22, 23, 31, and 32 depend from the above allowable independent claims, they should be allowed for at least the above reasons. Such action is respectfully requested.

Examiner's response:

b) The Examiner has already addressed the applicant's argument regarding claim 1 in the Examiner's Response (a) above. See the Examiner's Response (a) above and the rejection above in paragraph 14 for rejection to claims 21-23, 25, 27-28, 30-32 and 34.

In the remarks, the applicant argues that:

c) ***Claim 15***

Applicants respectfully submit that the Office has failed to establish anticipation, because Lindholm fails to teach or suggest a "placing at least one second language representation instruction in the output stream responsive to identifying the unresolvable translation error in the input stream." Specifically, claim 15, with emphasis, recites,

...

Applicants respectfully submit that aborting translation and throwing an exception when a class can't be verified teaches away from the recited arrangement. Thus, Lindholm fails to teach or suggest "placing at least one second language representation instruction in the output stream responsive to identifying the unresolvable translation error in the input stream."

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For at least this reason claim 15 is allowable. Such action is respectfully requested.

Claim 17

Claim 17 depends from claim 15. Since claim 17 depends from claim 1, it should be allowed for at least the reasons stated for claim 1. In view of the foregoing discussion of claim 1, the merits of the separate patentability of dependent claim 17 is not belabored at this time. Claim 17 should be allowable. Such action is respectfully requested.

Independent Claims 26, 29

Applicants respectfully submit that for reasons similar to those stated above, such as for claim 1, Lindholm fails to teach or suggest the following features:

Claim 26 ...

Claim 29 ...

Since Lindholm fails to teach or suggest these features of independent claims 26 and 29 they should be allowable. Such action is respectfully requested.

Examiner's response:

c) Applicant has amended claims 15, 26 and 29 to newly recite limitations. Currently, claims 15-17, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindholm (U.S. 6,618,855) in view of DeLong (U.S. 6,247,169). Therefore, applicant's arguments regarding claims 15-17, 26 and 29 are moot.

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In addition, see the rejection above in paragraph 17 for rejection to claims 15-17, 26 and 29.

In the remarks, the applicant argues that:

d) The Office has asserted a rejection of claim 18 under 35 U.S.C. § 103(a) over DeLong in view of one of ordinary skill in the art. Additionally, an obviousness rejection has been asserted against claim 16 over Lindholm in view of DeLong, and against claims 23 and 24 over DeLong in view of Lindholm. Respectfully, Applicants traverse these rejections.

Claim 18

Claim 18 depends on claim 1. Applicants respectfully assert that the Office has failed to carry the burden of establishing a prima facie case of obviousness of claim 1, because the art of record fails to teach or suggest "placing at least one second language representation instruction in the output stream responsive to identifying the "resolvable translation error in the input stream."

For example, DeLong merely discusses ...

Additionally, the Office asserts that "requesting by the presently executing at least one placed second language representation instruction, the request being made to a server for instructions external to the output stream" is "common practice." Applicants respectfully request a reference supporting the Office's assertion of common practice or knowledge. MPEP § 2144.04.

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However, since claim 18 depends on allowable claim 1, it should now be allowable since the Office has failed to teach or suggest "placing at least one second language representation instruction in the output stream responsive to identifying the unresolvable translation error in the input stream." For at least this reason claim 18 is in condition for allowance. Such action is respectfully requested.

Examiner's response:

d) The Examiner has already addressed the applicant's argument regarding "placing at least one second language representation instruction in the output stream responsive to identifying the unresolvable translation error in the input stream" in the Examiner's Response (a) above. Furthermore, a reference has been provided in support for the Official Notice taken in the previous Office Action (Mailed on 09/22/2004, par. 23). Therefore, currently, claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLong (U.S. 6,247,169) in view of Lethin (U.S. 6,463,582). See the Examiner's Response (a) above and the rejection above in paragraph 16 for rejection to claim 18.

In the remarks, the applicant argues that:

e) **Claim 16**

Claim 16 depends on claim 15. Applicants respectfully assert that the Office has failed to carry the burden of establishing a prima facie case of obviousness of claim 15, because the art of record fails to teach or suggest "placing at least one second language representation instruction in the output stream responsive to identifying the unresolvable translation error in the input stream."

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For example, Lindholm states ...

Thus, no combination of Lindholm and DeLong describes a method that places a "second language representation instruction in the output stream" responsive to identifying an "unresolvable translation error in the input stream." The art of record in this application simply fails to teach or suggest this arrangement. For at least this reason claim 15 and its dependent claim 16 are in condition for allowance. Such action is respectfully requested.

Examiner's response:

e) The Examiner has already addressed the applicant's argument regarding claim 15 in the Examiner's Response (c) above and regarding DeLong in the Examiner's Response (a) above. See the Examiner's Response (a) and (c) above and the rejection above in paragraph 17 for rejection to claims 15-17, 26 and 29.

In the remarks, the applicant argues that:

f) ***Claim 23 and 24***

Applicants respectfully submit that for reasons similar to those stated above for claim 16, the DeLong-Lindholm combination fails to teach or suggest the following features:

Claim 21 ...

Claim 24 ...

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For at least this reason claim 21 and its dependent claim 23 are in condition for allowance. Such action is respectfully requested. Additionally, for at least this reason claim 24 is in condition for allowance. Such action is respectfully requested.

Examiner's response:

f) The Examiner has already addressed the applicant's argument regarding claim 16 in the Examiner's Response (e) above. See the Examiner's Response (e) above and the rejection above in paragraph 18 for rejection to claims 23 and 24.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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21. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Fridays from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or processing is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kakali Chaki

QN
April 12, 2005

KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100